

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

In the Matter of)	
)	
)	
Petition of AT&T Inc. For Forbearance Under 47)	WC Docket No. 07-21
U.S.C. § 160 From Enforcement Of Certain of the)	
Commission's Cost Assignment Rules)	
)	
Petition of Qwest Corporation for Forbearance)	WC Docket No. 07-204
from Enforcement of the Commission's ARMIS)	
and 492A Reporting Requirements Pursuant to 47)	
U.S.C. § 160(c))	
)	
Petition of Verizon for Forbearance Under 47)	WC Docket No. 07-273
U.S.C. § 160(c) From Enforcement Of Certain of)	
the Commission's Recordkeeping and Reporting)	
Requirements)	

REPLY TO OPPOSITIONS TO PETITION FOR RECONSIDERATION

Willkie Farr & Gallagher LLP
1875 K Street, N.W.
Washington, D.C. 20006
(202) 303-1000

ATTORNEYS FOR TW TELECOM INC. AND
ONE COMMUNICATIONS CORP.

Karen Reidy
COMPTTEL
900 17th Street, N.W.
Suite 400
Washington, D.C. 20006
(202) 296-6650

Anna M. Gomez
Maria L. Cattafesta
SPRINT NEXTEL CORPORATION
2001 Edmund Halley Drive
Reston, VA 20191
(703) 592-5115

October 31, 2008

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

In the Matter of)	
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Petition of AT&T Inc. For Forbearance Under)	WC Docket No. 07-21
47 U.S.C. § 160 From Enforcement Of Certain)	
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)	
Petition of Verizon for Forbearance Under 47)	
U.S.C. § 160(c) From Enforcement Of Certain)	
of the Commission's Recordkeeping and)	WC Docket No. 07-273
Reporting Requirements)	

REPLY TO OPPOSITIONS TO PETITION FOR RECONSIDERATION

tw telecom inc., One Communications Corp., COMPTel and Sprint Nextel Corporation (together "the petitioners") hereby file this reply to oppositions¹ to the petition for reconsideration² of the *Verizon/Qwest Order*³ filed in the above-referenced dockets.

As explained in the *Petition*, while the petitioners opposed granting AT&T, Verizon and Qwest forbearance from the cost assignment rules, the FCC's rationale for granting AT&T relief

¹ See Opposition of Verizon Inc. to Petitions for Reconsideration, WC Dkt. Nos. 07-21 *et al.* (filed Oct. 16, 2008) ("*Verizon Opposition*"); Opposition of Qwest Corp. to Petitions for Reconsideration, WC Dkt. Nos. 07-21 *et al.* (filed Oct. 16, 2008) ("*Qwest Opposition*").

² See Petition for Reconsideration of Sprint Nextel Corp. *et al.*, WC Dkt. Nos. 07-21 *et al.* (filed Oct. 6, 2008) ("*Petition*").

³ See *Petition of AT&T Inc. For Forbearance Under 47 U.S.C. § 160 From Enforcement of Certain of the Commission's Cost Assignment Rules et al.*, Memorandum Opinion and Order and Notice of Proposed Rulemaking, 23 FCC Rcd 13647 (2008) ("*Verizon/Qwest Order*").

in the *AT&T Order*⁴ was the same rationale offered for granting identical relief to Verizon and Qwest in the *Verizon/Qwest Order*. See *Petition* at 2.⁵ Accordingly, the reasons for reconsidering the *AT&T Order* apply with equal force to the *Verizon/Qwest Order*. Petitioners therefore attached their petition for reconsideration of the *AT&T Order*⁶ to the *Petition* and incorporated all of the arguments made in that petition for reconsideration. See *Petition*, Exhibit A.

In their oppositions, both Verizon and Qwest agreed that no new issues had been raised by the *Verizon/Qwest Order*, and both attached oppositions that had been filed in response to the Sprint *et al.*, Petition for Reconsideration of the *AT&T Order*. See *Verizon Opposition* at 2, Attachment A; *Qwest Opposition* at n.12, Attachment A. Accordingly, the petitioners now attach hereto petitioners' reply to oppositions to the petition for reconsideration of the *AT&T Order*⁷ to address matters raised by Qwest and Verizon in their oppositions. Petitioners incorporate herein all of the arguments made in that reply to oppositions.

For the foregoing reasons, the *Petition* should be granted.

⁴ See *Petition of AT&T Inc. For Forbearance Under 47 U.S.C. § 160 From Enforcement of Certain of the Commission's Cost Assignment Rules et al.*, Memorandum Opinion and Order, 23 FCC Rcd 7302 (2008) ("*AT&T Order*").

⁵ See *Verizon/Qwest Order* ¶ 27 (finding that "the reasoning of the *AT&T Cost Assignment Forbearance Order* applies equally to Verizon and Qwest and therefore, pursuant to section 10, we forbear from application of the Cost Assignment Rules to these carriers.").

⁶ See Sprint *et al.*, Petition For Reconsideration, WC Dkt. Nos. 07-21 & 05-342 (filed May 27, 2008).

⁷ See Sprint *et al.*, Reply to Oppositions to Petitions For Reconsideration, WC Dkt. Nos. 07-21 & 05-342 (filed June 23, 2008) (attached hereto as Exhibit A).

Respectfully submitted,

/s/ Anna M. Gomez

Anna M. Gomez
Maria L. Cattafesta
SPRINT NEXTEL CORPORATION
2001 Edmund Halley Drive
Reston, VA 20191
(703) 592-5115

/s/ Thomas Jones

Thomas Jones
Jonathan Lechter
Willkie Farr & Gallagher LLP
1875 K Street, N.W.
Washington, D.C. 20006
Attorneys for TW TELECOM INC. AND
ONE COMMUNICATIONS CORP.
(202) 303-1000

/s/ Karen Reidy

Karen Reidy
Vice President, Regulatory Affairs
COMPTel
900 17th Street, N.W., Suite 400
Washington, D.C. 20006
(202) 296-6650

October 31, 2008

CERTIFICATE OF SERVICE

I, Jonathan Lechter, do hereby certify that on this 31st day of October 2008, copies of the foregoing Reply to Oppositions to Petitions for Reconsideration in WC Docket Nos. 07-21, 07-204, and 07-273 were served by U.S. first-class mail, postage prepaid, to the following:

Chairman Eddie Roberson
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

Paul M.A. Baker
Project Director, Policy
Wireless RERC
500 10th Street, 3rd Floor NW
Atlanta, GA 30332-0620

Steven L. Beeler
Assistant Attorney General
Public Utilities Section
Ohio Public Utilities Commission
180 E. Broad Street, 9th Floor
Columbus, OH 43215

Suzi Ray McClellan
Katherine H. Farrell
Texas Office of Public Utility Counsel
1701 N. Congress Avenue, Suite 9-180
P.O. Box 12307
Austin, TX 78711-2397

James. W. Olson
Indra S. Chalk
United States Telecom Association
607 14th Street, NW, Suite 400
Washington, DC 20005

Paul M. Schudel
James A. Overash
Woods & Aitken LLP
301 South 13th Street, Suite 500
Lincoln, NE 68508

David C. Bergmann, Chair
NASUCA Telecommunications Committee
8380 Colesville Road, Suite 101
Silver Spring, MD 20910

Paul Kjellander, President
Idaho Public Utilities Commission
P.O. Box 83720
Boise, ID 83720-0074

John D. Burke, Esq.
Vermont Public Service Board
112 State Street, Drawer 20
Montpelier, VT 05620-2701

Mark K. Johnson, Commissioner
Regulatory Commission of Alaska
1016 West 6th, Suite 400
Anchorage, AK 99501

Curt Stamp, Commissioner
Iowa Utilities Board
350 Maple Street
Des Moines, IA 53019-0069

Ann Berkowitz
Associate Director – Federal Regulatory
Verizon
1300 I Street, NW
Washington, DC 20005

Joel Shifman
Maine Public Utilities Commission
242 State Street
18 State House Station
Augusta, ME 04333-0018

J. Bradford Ramsay, Counsel
State Members of the Federal State Joint
Board on Separations
1101 Vermont Avenue, NW, Suite 200
Washington, DC 20005

James S. Blaszak
Colleen Boothby
Levine, Blaszak, Block & Boothby, LLP
2001 L Street, NW, Suite 900
Washington, DC 20036

Robert W. Quinn
Senior Vice President – Federal Regulatory
AT&T Services, Inc.
1120 20th Street, NW, Suite 1000
Washington, DC 20036

Mike Gleason, Chairman
William A. Mundell, Commissioner
Jeff Hatch-Miller, Commissioner
Kristin K. Mayers, Commissioner
Gary Pierce, Commissioner
Arizona Corporation Commission
1200 West Washington
Phoenix, AZ 85007

Sara Kyle, Director
Tre Hargett, Director
Ron Jones, Director
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

Edward A. Yorkgitis, Jr.
Kelley Drye & Warren LLP
Washington Harbour, Suite 400
3050 K Street, NW
Washington, DC 20007-5108

Philip Jones, Commissioner
Washington Utilities and Transportation
Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

Daniel Mitchell, Vice President
Legal and Industry
National Telecommunications Cooperative
Association
4121 Wilson Blvd., Tenth Floor
Arlington, VA 22203

Anne L. Hammerstein
Assistant Attorney General
Public Utilities Section
Ohio Public Utilities Commission
180 East Broad Street, 9th Floor
Columbus, OH 43215-3793

Frank S. Simone
Executive Director – Federal Regulatory
AT&T Services Inc.
1120 20th Street, NW, Suite 1000
Washington, DC 20036

David C. Bergmann
Assistant Consumers' Counsel
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, OH 43215-3485

Aryeh Friedman
BT Americas Inc.
1001 Connecticut Avenue, NW, Suite 720
Washington, DC 20036

Theodore C. Marcus
AT&T Services Inc.
1120 20th Street, NW, Suite 1000
Washington, DC 20036

Linda Vandeloop
AT&T Services Inc.
Suite 1000
1120 20th Street, NW
Washington, DC 20036

Randolph Wu
Helen M. Mickiewicz
Natalie D. Wales
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

John Heitman
J. Isaac Himowitz
Kelley Drye & Warren LLP
3050 K Street, NW, Suite 400
Washington, DC 20007

Edward Shakin
Christopher M. Miller
Verizon
1515 North Courthouse Road, Suite 500
Arlington, VA 22201-2909

Melissa E. Newman
Vice President – Federal Regulatory
Qwest Communications International Inc.
607 14th Street, NW, Suite 950
Washington, DC 20005

Bennet L. Ross
Bredan T. Carr
Marjorie B. Manne
Wiley Rein LLP
1776 K Street, NW
Washington, DC 20006

Terri L. Hoskins
Christopher M. Heimann
Gary L. Phillips
Paul K. Mancini
AT&T Services Inc.
1120 20th Street, NW, Suite 1000
Washington, DC 20036

Sandra J. Paske
Secretary to the Commission
Public Service Commission of Wisconsin
P.O. Box 7854
Madison, WI 53707-7854

Ronald K. Chen
Seema M. Singh
Christopher J. White
State of NJ Dept of the Public Advocate
Division of Rate Counsel
31 Clinton Street, 11th Floor
P.O. Box 46005
Newark, NJ 07101

Cindy B. Miller, Senior Attorney
State of Florida Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0880

Jennie B. Chandra
Director – Federal Regulatory Affairs
Windstream Communications, Inc.
1101 17th Street, NW, Suite 802
Washington, DC 20036

Susanne A. Guyer
Senior Vice President – Federal Regulatory
Affairs
Verizon
1300 I Street, NW, Suite 400 West
Washington, DC 20005

Sharon E. Gillett
Commissioner
Massachusetts Dept of Telecommunications
and Cable
Two South Station
Boston, MA 02110

David C. Bartlett, Esq.
Jeffrey s. Lanning, Esq.
John E. Benedict, Esq.
Embarq Corporation
701 Pennsylvania Avenue, NW, Suite 820
Washington, DC 20004

Lynn Starr
Vice President – Federal Regulatory
Qwest Communications International Inc.
607 14th Street, NW, Suite 950
Washington, DC 20005

Craig J. Brown
Timothy M. Boucher
Qwest Corporation
607 14th Street, NW, Suite 950
Washington, DC 20005

Gregg C. Sayre, Associate General Counsel
Kenneth F. Mason, Vice President
Frontier Communications
180 South Clinton Avenue
Rochester, NY 14646-0700

Peter McGowan, Acting General Counsel
Brian Ossias, Assistant Counsel
New York State Department of Public
Service
3 Empire State Plaza
Albany, NY 12223-1350

Joshua Seidemann
Vice President, Regulatory Affairs
Independent Telephone & Telecom
Alliance
975 F Street, NW, Suite 550
Washington, DC 20004

Jonathan Banks
David Cohen
United States Telecom Association
607 14th Street, NW, Suite 400
Washington, DC 20005

Alan R. Schriber
Chairman
Ohio Office of the Attorney General
180 E. Broad Street, 9th Floor
Columbus, OH 43215

Daniel L. Brenner
Steven F. Morris
National Cable & Telecommunications
Association
25 Massachusetts Avenue, NW, Suite 100
Washington, DC 20001

Larry F. Darby, Senior Fellow
American Consumer Institute CCR
1701 Pennsylvania Avenue, NW, Suite 300
Washington, DC 20006

Jeff Cloud, Chairman
Oklahoma Corporation Commission
Jim Thorpe Building
2101 N. Lincoln Blvd.
Oklahoma City, OK 73105

Shirley Bloomfield
Senior Vice President – Federal Relations
Qwest Communications International Inc.
607 14th Street, NW, Suite 950
Washington, DC 20005

Connie Murray
Commissioner
Missouri Public Service Commission
Governor Office Building, Suite 900
200 Madison Street – P.O. Box 360
Jefferson City, MO 65109

Jason Marks, Chairman
Sandy Jones, Vice Chairman
David W. King, Commissioner
Ben R. Lujan, Commissioner
Carol K. Sloan, Commissioner
New Mexico Public Regulation Commission
P.E.R.A. Building
1120 Paseo De Peralta
Santa Fe, NM 87501

Joseph K. Witmer, Assistant Counsel
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

John F. Jones
Jeffrey S. Glover
Robert D. Shannon
CenturyTel, Inc.
100 CenturyTel Drive
Monroe, LA 71203

Robin Ancona, Director
Telecommunications Division
Michigan Public Service Commission
6545 Mercantile Way
Lansing, MI 48909

David W. Danner
Executive Director
Washington Utilities and Transportation
Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

Whit Adamson, President
Tennessee Association of Broadcasters
50 Music Square West, Suite 900
Nashville, TN 37203-3208

Gregory E. Bunker, Assistant AG
Colorado Attorney General's Office
Colorado Office of Consumer Counsel
1525 Sherman Street, 7th Floor
Denver, CO 80203

Ron Binz, Commissioner
Polly Page, Commissioner
Carl Miller, Commissioner
The Public Utilities Commission of the
State of Colorado
1560 Broadway, Suite 250
Denver, CO 80202

Douglas K. Denney
Director, Costs and Policy
Integra Telecom, Inc.
3213 Duke Street, #246
Alexandria, VA 22314

/s/ Jonathan Lechter

Jonathan Lechter

EXHIBIT A

FINAL

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

In the Matter of)
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Petition of AT&T Inc. For Forbearance Under 47)
U.S.C. § 160 From Enforcement Of Certain of the)
Commission's Cost Assignment Rules)

WC Docket No. 07-21

Petition of BellSouth Telecommunications, Inc.)
For Forbearance under 47 U.S.C. § 160 From)
Enforcement of Certain of the Commission's Cost)
Assignment Rules)

WC Docket No. 05-342

REPLY TO OPPOSITIONS TO PETITION FOR RECONSIDERATION

Willkie Farr & Gallagher LLP
1875 K Street, N.W.
Washington, D.C. 20006
(202) 303-1000

ATTORNEYS FOR TIME WARNER TELECOM*
INC., AND ONE COMMUNICATIONS CORP.

Mary C. Albert
Karen Reidy
COMPTel
900 17th Street, N.W.
Suite 400
Washington, D.C. 20006
(202) 296-6650

Anna M. Gomez
Maria L. Cattafesta
SPRINT NEXTEL CORPORATION
2001 Edmund Halley Drive
Reston, VA 20191
(703) 592-5115

June 23, 2008

* Time Warner Telecom Inc. amended its Certificate of Incorporation effective March 12, 2008 to change its name to tw telecom inc. in preparation for a broader name change that will be effective July 1, 2008. The company will continue to use and be known as Time Warner Telecom Inc., its trade name, until July 1, 2008.

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In the Matter of)	
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47 U.S.C. § 160 From Enforcement Of Certain)	
of the Commission's Cost Assignment Rules)	
)	WC Docket No. 05-342
Petition of BellSouth Telecommunications, Inc.)	
For Forbearance under 47 U.S.C. § 160 From)	
Enforcement of Certain of the Commission's)	
Cost Assignment Rules)	

REPLY TO OPPOSITIONS TO PETITION FOR RECONSIDERATION

Time Warner Telecom Inc. ("TWTC"), One Communications Corp. ("One"),
COMPTEL, and Sprint Nextel Corporation hereby file this reply to oppositions¹ to the petition
for reconsideration² of the AT&T Cost Accounting Order³ filed in the above referenced dockets.
All of the Opponents claim that the *Petition* merely restates arguments already made in the
underlying proceeding. *See AT&T Opp.* at 2; *Verizon Opp.* at 2; *USTA Opp.* at 2. This is untrue.
In fact, the discussion in the *Petition* demonstrates that the FCC either failed to address

¹ *See* Opposition of AT&T Inc. to Petition for Reconsideration, WC Dkt. Nos. 07-21 & 05-342 (filed June 11, 2008) ("*AT&T Opp.*"); Opposition of Verizon to Petition for Reconsideration, WC Dkt. Nos. 07-21 & 05-342 (filed June 11, 2008) ("*Verizon Opp.*"); United States Telecom Association's Opposition Petition for Reconsideration, WC Dkt. Nos. 07-21 & 05-342 (filed June 11, 2008) ("*USTA Opp.*") (AT&T, Verizon and USTA are referred to herein collectively as "the Opponents").

² *See* Petition for Reconsideration of Sprint Nextel Corp. *et al.*, WC Dkt. Nos. 07-21 *et al.* (filed May 27, 2008) ("*Petition*").

³ *See* *Petition of AT&T For Forbearance Under 47 U.S.C. § 160 From Enforcement of Certain of the Commission's Cost Assignment Rules et al.*, Memorandum Opinion and Order, 23 FCC Rcd 7302 (2008) ("*Forbearance Order*").

Petitioners' arguments in a reasonable fashion or failed to address them at all. Moreover, none of the Opponents' other arguments has merit.

1. The Opponents Of The Reconsideration Petition Mischaracterize Petitioners' Key Arguments Regarding Use Of Accounting Data.

The Opponents allege that Petitioners argue that elimination of cost accounting requirements will harm the public interest by precluding the FCC from lowering price cap levels to achieve a particular rate of return. *See AT&T Opp.* at 9; *Verizon Opp.* at 7. In response to this alleged argument, AT&T cites numerous orders that it claims supports its assertion that the FCC has never used accounting data to set price cap rates in accordance with an accounting rate of return.⁴ There is no merit to the Opponents' argument.

Contrary to the Opponents' allegations, Petitioners did *not* argue that the FCC should use data yielded by the Cost Assignment rules to set ILEC rates based on a specified rate of return. Rather, the Petitioners asserted that the elimination of the accounting rules eliminates the very tools necessary to *monitor* whether RBOCs are earning monopoly returns for their access services and whether further investigation into rate levels is needed. *Petition* at 6. As Verizon put it, the Petitioners argued that accounting data can be used to determine if price regulation is "malfunctioning." *Verizon Opp.* at 3 (internal cites omitted). The FCC's actions in the *CALLS Order* demonstrate that accounting rates of return monitored on an ongoing basis can serve as the proverbial "canary in the coal mine," alerting regulators to supracompetitive prices and justifying targeted price reductions that are established in follow-on proceedings. *See Petition* at 7-8. The

⁴ In refuting Petitioner's "argument," AT&T cites to many past orders, all of which stand for the general proposition that the FCC generally does not rely on accounting data to lower RBOC prices "to any specified rate of return." *See AT&T Opp.* at 6 & n.3 (citing *Access Charge Reform Order*, 12 FCC Rcd 15982 ¶ 292 (1997)); *see also Southwestern Bell Tel. Co. v. FCC*, 153 F.3d 523, 546 (8th Cir. 1998) (where the court upheld the FCC's decision not to use accounting data to "lower interstate access charges to *equal economic cost*") (emphasis added).

FCC made this very distinction between the use of accounting data for monitoring as opposed to direct rate making in its first Price Cap Order.⁵ AT&T completely glosses over this distinction in its repeated cites to paragraph 380 of that order.

The Opponents try to dismiss the FCC's use of ARMIS and accounting data in the *CALLS Order* based on the assertion that "actual rates and price caps in the CALLS Plan were established through an industry-wide negotiation and settlement process." *AT&T Opp.* at 8; *see also Verizon Opp.* at 4-5. But there can be no denying that the FCC used the cost assignment data as a check to determine if price cap recalibration was required. Moreover, the fact that the specific CALLS Plan was the result of an industry negotiation is irrelevant. As the Commission explained in the *CALLS Order*, "we must exercise our own independent judgment to ensure that any proposal we adopt in this area -- even a proposal that reflects a substantial degree of consensus among historically adverse parties -- is reasonable and in the public interest."⁶ The Commission expressly concluded that the "constituent parts [of the CALLS Plan] individually

⁵ *In re Policy and Rules Concerning Rates for Dominant Carriers*, Second Report and Order, 5 FCC Rcd 6789, ¶ 380 (1990) ("*LEC Price Cap Order*") ("While we continue to collect other data from price cap LECs on a disaggregated basis, this collection is solely for monitoring purposes. This disaggregated data does not serve a ratemaking purpose for these carriers, nor is there any reason to expect that results under price caps will correspond to data from previous years. We have modified our Part 69 rules to reflect this expectation that our collection of disaggregated data from price cap LECs is for monitoring purposes only. We delegate to the Chief, Common Carrier Bureau the task of effecting these modifications to the ARMIS reporting requirements for price cap LECs.").

⁶ *Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Low-Volume Long Distance Users, Federal-State Joint Board on Universal Service*, Sixth Report and Order in CC Docket Nos. 96-262 and 94-1 Report and Order in CC Docket No. 99-249 Eleventh Report and Order in CC Docket No. 96-45, 15 FCC Rcd 12962, ¶ 49 (2000) ("*CALLS Order*").

fall within the range of reasonableness.” *CALLS Order* ¶ 49. In so doing, the Commission relied on the very cost accounting data that will be unavailable if the *Forbearance Order* stands.⁷

2. AT&T’s Attempt To Justify The FCC’s Conclusion That There Is No “Current Need” For Cost Assignment Data Is Unpersuasive.

AT&T argues that the FCC’s distinction between the purported absence of a “current need” for the Cost Assignment rules and possible future uses for the rules is clear and reasonable. *AT&T Opp* at 3. In fact, the Commission’s application of its “current need” standard, which is found nowhere in Section 10, is incoherent and arbitrary. For example, the very fact that the Commission has repeatedly concluded that AT&T has “exclusionary market power”⁸ requires, pursuant to the mandates of Sections 201(b) and 202(a), that it continue to monitor AT&T’s prices, unquestionably a current need at all times. Moreover, the FCC candidly concedes “that cost accounting data could be useful when the Commission *moves forward with*” special access, universal service, intercarrier compensation or “other reform.” *Forbearance Order* ¶ 45 (emphasis added).⁹ The Commission nevertheless concludes that this does not constitute a “current need.” Does it mean that the information is relevant and “useful” but not “needed?” In all events, it is simply implausible for the Commission to conclude that cost

⁷ AT&T repeats over and over that the Cost Allocation rules produce data that are “inherently arbitrary” (see *AT&T Opp.* at 15) or are insufficiently accurate to assist with rate monitoring. But the FCC apparently disagrees, since it *never held* in the *Forbearance Order* that the data yielded by the accounting rules is insufficiently accurate to enable it to perform its monitoring function.

⁸ See *Forbearance Order* ¶ 27, citing Section 272(f)(1) *Sunset of the BOC Separate Affiliate and related Requirements et al.*, Report and Order and Memorandum Opinion and Order, 22 FCC Rcd 16440, ¶ 64 (2007) (“272 *Sunset Order*”).

⁹ The FCC’s belief that it may need accounting data in its intercarrier compensation reform effort is a direct rebuke to AT&T’s argument that the need for accounting data in “intercarrier compensation reforms is equally meritless.” *AT&T Opp.* at 10.

assignment information is not "needed" in the special access reform docket where the Commission itself discusses it and seeks comment on that information in its own NPRM initiating the proceeding. *See Petition* at 10. Similarly, the very accuracy of the separations data itself is the subject of the pending separations reform proceeding, making it obviously a current need in that proceeding.¹⁰

3. The Opponents Fail To Rebut The Argument That The FCC Failed To Explain Its Departure From the 272 Sunset Order.

AT&T incorrectly asserts that the FCC was not bound by its own finding in the 272 *Sunset Order* that the accounting rules were necessary to protect against discrimination by carriers that retain market power over bottleneck inputs. *First*, as AT&T notes, in order to avoid justifying its departure from past precedent, the FCC asserted that the 272 *Sunset Order* was merely a "rulemaking of general applicability" while a grant of forbearance was appropriate because the Section 10 standard is met with respect to AT&T. *See AT&T Opp.* at 11 (*citing Forbearance Order* ¶ 27). The implication of this conclusion is that the FCC believes that AT&T is not similarly situated to either Verizon or Qwest. But such an implication does not square with the reasoning of the 272 *Sunset Order* or other passages in the *Forbearance Order*. For example, in response to AT&T's petition for forbearance from dominant carrier regulation for its in-region interexchange services, the FCC explicitly found that the safeguards relied upon in the 272 *Sunset Order* should apply to AT&T and that disparate treatment for AT&T would be

¹⁰ AT&T states that the separations rules should be eliminated because the separations reform "rulemaking has been pending for many years, and there has been no indication from the Commission that new rules are forthcoming." *AT&T Opp.* at 10. But it is obviously absurd to rely on either the need to improve the accuracy of information (information that the Commission conceded was necessary in the *Forbearance Order* ¶¶ 24-25) or the Commission's own failure to complete its review of separations within AT&T's arbitrary time frame as the basis for entirely eliminating the separations rules.

“inconsistent with the statutory forbearance criteria.”¹¹ In the *Forbearance Order* itself, the FCC believed that AT&T is similarly situated to other RBOCs, but then provided relief to AT&T alone.¹² Apparently the FCC believes that AT&T is not special in any relevant respect. Therefore the FCC’s justification for its departure from the holding of the 272 *Sunset Order* is meritless.

Second, AT&T argues that “D.C. Circuit case law makes clear that the Commission would have violated Section 10 if it has simply cited the 272 *Sunset Order* as a ground for denying forbearance.” *AT&T Opp.* at 12. This is irrelevant.¹³ The FCC has an obligation to explain any departure from past precedent. The D.C. Circuit, in the very case cited by AT&T to buttress its assertion above, has held that this rule applies to Section 10 proceedings.¹⁴ The FCC

¹¹ See *Petition of AT&T Inc. for Forbearance Under 47 U.S.C. § 160(c) with Regard to Certain Dominant Carrier Regulations for In-region, Interexchange Services*, Memorandum Opinion and Order, 22 FCC Rcd 16556, ¶ 7 (2007) (“*AT&T 272 Order*”) (“To the extent that AT&T seeks relief from dominant carrier regulation different from, or in addition to, that granted in the *Section 272 Sunset Order*, we find that such additional relief would be inconsistent with the statutory forbearance criteria. As part of the new regulatory framework established in the *Section 272 Sunset Order*, AT&T will be subject to certain targeted safeguards as well as other continuing legal requirements.”).

¹² See *Forbearance Order* ¶ 23 (“We realize that our decision here will result in a different accounting regime for AT&T than for the other BOCs. Although uniform regulatory treatment for similarly situated carriers is sometimes preferable, we do not think that is the case here with regard to the Cost Assignment Rules.”). If Verizon and Qwest are granted the same relief as AT&T under the same rationale the FCC’s entire justification for avoiding having to directly address the findings of the 272 *Sunset Order* will collapse in on itself. See *Comment Sought On Request of Verizon and Qwest To Extend Forbearance Relief From Cost Assignment Rules*, Public Notice, WC Dkt. No. 07-21, DA 08-1361 (rel. June 6, 2008).

¹³ The case cited by AT&T does not stand for the proposition that the FCC cannot cite an earlier rule or order to justify the dismissal of a later forbearance petition. Rather, in *AT&T Inc. v. FCC* the D.C. circuit found that the FCC cannot dismiss a forbearance petition based on a pending rulemaking. See *AT&T Inc. v. FCC*, 452 F.3d 830, 832 (D.C. Cir. 2006).

¹⁴ See *AT&T Corp. v. FCC*, 236 F.3d 729, 736 (D.C. Cir. 2001) (“It may be that it is reasonable for the Commission to demand a showing on market share in every dominance inquiry. But, no

failed to explain in the *Forbearance Order* the circumstances that would justify a departure from its conclusion in the *272 Sunset Order* that the accounting rules remain necessary.

Third, AT&T argues that the *272 Sunset Order* merely “noted” that the accounting rules still applied to AT&T and therefore the FCC need not explain its departure from the rationale of that order. *See AT&T Opp.* at n.10. As explained in the *Petition*, however, the FCC expressly relied on the continued application of the cost accounting rules in the *272 Sunset Order* as a means of constraining AT&T’s abuse of its exclusionary market power. *See 272 Sunset Order* ¶ 90. In any event, the FCC did not reverse itself in the *272 Sunset Order*. It merely affirmed the importance of accounting regulation as a bulwark against anticompetitive conduct by AT&T. The FCC need not engage in a lengthy analysis to *reaffirm* the importance of an existing rule in a new order. In fact, the FCC has, on countless occasions, relied upon, without the need for extensive discussion, existing regulations or findings to protect against unjust or discriminatory behavior.¹⁵ That is what the FCC did in the *272 Sunset Order*. On the other hand, any departure

matter how reasonable it may be for the FCC to require market share data before evaluating an incumbent local exchange carrier’s market power, it is not reasonable for the Commission to announce such a policy without providing a satisfactory explanation for embarking on this course when it has not followed such a policy in the past. The FCC cannot silently depart from previous policies or ignore precedent” as it has done here.”) (internal cites omitted).

¹⁵ For example, in the *TRRO*, the FCC determined that the availability of special access facilities did not justify the elimination of the right of carriers to obtain unbundled network elements. *See Unbundled Access to Network Elements; Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, Order on Remand, 20 FCC Rcd 2533 ¶¶ 46-64 (2005) (“*TRRO*”). The FCC relied on and reaffirmed this determination in numerous later proceedings for the same purpose, none of which required extensive discussion. *See, e.g., Petitions of Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Boston, New York, Philadelphia, Pittsburgh, Providence and Virginia Beach Metropolitan Statistical Areas*, Memorandum Opinion and Order, 22 FCC Rcd 21293, ¶ 38 (2007) (“*6-MSA Order*”).

from established precedent must be explained and justified.¹⁶ The FCC's failure to do so is fatal in this case.

4. The Opponents' Other Arguments Should Be Rejected.

There is no basis to any of the Opponents' other arguments. For example, AT&T distorts arguments made by Sprint and even itself with respect to the use of accounting data. AT&T alleges that Sprint filed an *ex parte* in the special access docket arguing that, "the Commission could not justify rate reductions based on allocated ARMIS data on appeal and urg[ed] the Commission instead to rely on proposals that do not depend on the use of allocated accounting costs." *AT&T Opp.* at 7. In reality, Sprint merely stated that ARMIS data should not be used as a basis of reducing RBOC special access rates "[i]f price cap LECs can demonstrate that their filed ARMIS data materially misstate their special access costs and revenues."¹⁷ Obviously, Sprint did not state that ARMIS data *do* materially misstate ILEC special access costs and revenues. AT&T also conveniently overlooks the fact that the FCC commenced the special access rate proceeding based on *AT&T's* argument that high accounting rates of return demonstrates that RBOCs are exercising their market power.

AT&T's argument regarding the need for accounting data to determine exogenous cost *decreases* is equally unresponsive. See *AT&T Opp.* 9-10. First, simply because AT&T has not recently experienced any exogenous changes due to reallocated investments or the split between regulated and unregulated costs does not mean that it would not experience such changes in the

¹⁶ See *Watt v. Alaska*, 451 U.S. 259, 273 (1981) (holding that while agency decisions in line with past precedent are given substantial deference, a later conflicting decision is entitled to "considerably less deference.").

¹⁷ See Sprint Nextel Corp. Written *Ex Parte* Presentation, WC Dkt. No. 05-25, at 43 Oct. 5, 2007) (attached to *ex parte* Letter from Gil M. Strobel, Counsel, Sprint Nextel Corp., to Marlene H. Dortch, Secretary, FCC, WC Dkt. Nos. 05-25 *et al.* (filed Oct. 5, 2007)) (emphasis added)

future. Indeed, AT&T provides no indication as to why current conditions would preclude such a change. If such an exogenous adjustment were required under the rules, the FCC would have no mechanism to accurately lower price cap levels.

Second, as Petitioners explained, many other types of exogenous cost decreases may occur outside of separations changes. *See Petition* at 10. Without publicly available accounting data, it will be difficult, if not impossible, for third parties either to argue that an exogenous cost decrease is appropriate or determine if a cost decrease has been incorporated correctly into the price cap indices. The Opponents did not even attempt to address this problem.

AT&T's assertion that it should not publicly report the data from its compliance plan makes no sense, even on its own terms. *First*, AT&T asserts that such a requirement would be "burdensome." But it is difficult to see how publicly uploading information that AT&T already collects and is (likely) reporting to the FCC would create any additional burden. *Second*, AT&T argues that the purpose of forbearance was to "place AT&T at regulatory parity with its competitors, which are not required to report such information publicly." *AT&T Opp.* at n.13. The notion that forbearance from the rules were intended to promote parity is false on its face. By mandating that AT&T establish a compliance plan, the FCC has already determined that AT&T should bear a heavier burden than competitors. Treating AT&T differently is obviously sensible since AT&T possesses "exclusionary market power," and competitors do not. Also, as Petitioners argued previously, in the absence of publicly available data, it would be impossible for outside parties to determine whether to file a complaint or a rulemaking petition. None of the Opponents seeks to address this compelling justification for publicly available information.

Finally, AT&T argues that, even if the accounting data could theoretically be used by third parties to "uncover violations," the data is stale because it is "reported after a significant

time lag.” *AT&T Opp.* at n.13 But year end 2007 ARMIS data were posted on the FCC’s website in April. Data which are, at most, only four months old, can and should be used to detect unlawful conduct, and AT&T’s argument to the contrary is absurd. Indeed, the FCC has required the RBOCs to report special access performance metrics on a quarterly basis, 45 days following the end of each quarter. *See 272 Sunset Order* n.285.

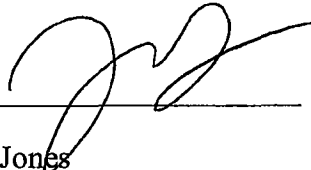
I. CONCLUSION

For the foregoing reasons, the petition for reconsideration should be granted.

Respectfully submitted,

/s/ Anna M. Gomez

Anna M. Gomez
Maria L. Cattafesta
SPRINT NEXTEL CORPORATION
2001 Edmund Halley Drive
Reston, VA 20191
(703) 592-5115



Thomas Jones
Jonathan Lechter
Willkie Farr & Gallagher LLP
1875 K Street, N.W.
Washington, D.C. 20006
Attorneys for TIME WARNER
TELECOM INC. AND ONE
COMMUNICATIONS CORP.
(202) 303-1000

/s/ Karen Reidy

Karen Reidy
Vice President, Regulatory Affairs
COMPTEL
900 17th Street, N.W., Suite 400
Washington, D.C. 20006
(202) 296-6650

CERTIFICATE OF SERVICE

I, Jonathan Lechter, do hereby certify that on this 23rd day of June, 2008 copies of the foregoing Reply to Oppositions were mailed to the following parties:

Chairman Eddie Roberson
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

Paul M. Schudel
James A. Overash
Woods & Aitken LLP
301 South 13th Street, Suite 500
Lincoln, NE 68508

Steven L. Beeler
Assistant Attorney General
Public Utilities Section
Ohio Public Utilities Commission
180 E. Broad Street, 9th Floor
Columbus, OH 53215

David C. Bergmann, Chair
NASUCA Telecommunications Committee
8380 Colesville Road, Suite 101
Silver Spring, MD 20910

Suzi Ray McClellan
Katherine H. Farrell
Texas Office of Public Utility Counsel
1701 N. Congress Avenue, Suite 9-180
P.O. Box 12307
Austin, TX 78711-2397

Paul Kjellander, President
Idaho Public Utilities Commission
P.O. Box 83720
Boise, ID 83720-0074

James W. Olson
Indra S. Chalk
United States Telecom Association
607 14th Street, NW
Suite 400
Washington, DC 20005

Jonathan Banks
David Cohen
United States Telecom Association
607 14th Street, NW
Suite 400
Washington, DC 20005

John D. Burke, Esq.
Vermont Public Service Board
112 State Street, Drawer 20
Montpelier, VT 05620-2701

Mark K. Johnson, Commissioner
Regulatory Commission of Alaska
1016 West 6th, Suite 400
Anchorage, AK 99501

Curt Stamp, Commissioner
Iowa Utilities Board
350 Maple Street
Des Moines, IA 53019-0069

Ann Berkowitz
Associate Director -- Federal Regulatory
Verizon
1300 I Street, NW
Washington, DC 20005

Brad Mutschelknaus
Edward A. Yorkgitis, Jr.
Kelley Drye & Warren LLP
Washington Harbour, Suite 400
3050 K Street, NW
Washington, DC 20007-5108

Philip Jones, Commissioner
Washington Utilities and Transportation
Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

Daniel Mitchell, Vice President
Legla and Industry
National Telecommunications Cooperative
Association
4121 Wilson Blvd., Tenth Floor
Arlington, VA 22203

Mike Gleason, Chairman
William A. Mundell, Commissioner
Jeff Hatch-Miller, Commissioner
Kristin K. Mayers, Commissioner
Gary Pierce, Commissioner
Arizona Corporations Commission
1200 West Washington
Phoenix, AZ 85007

Susan Kyle, Director
Tre Hargett, Director
Ron Jones, Director
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

Arych Friedman
BT Americas Inc.
1001 Connecticut Avenue, NW
Suite 720
Washington, DC 20036

Joel Shifman
Maine Public Utilities Commission
242 State Street
18 State House Station
Augusta, ME 04333-0018

J. Bradford Ramsay, Counsel
State Members of the Federal State Joint
Board of Separations
1101 Vermont Avenue, NW
Suite 200
Washington, DC 20005

James S. Blaszk
Colleen Boothby
Levine, Blaszk, Block & Boothby, LLP
2001 L Street, NW
Suite 900
Washington, DC 20036

Anne L. Hammerstein
Assistant Attorney General
Public Utilities Section
Ohio Public Utilities Commission
180 East Broad Street, 9th Floor
Columbus, OH 43215-3793

David C. Bergmann
Assistant Consumers' Counsel
Office of the Ohio Consumers' Counsel
10 West Broad Street
Suite 1800
Columbus, OH 43215-3485

Randolph Wu
Helen M. Mickiewicz
Natalie D. Wales
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Theodore C. Marcus
Gary L. Phillips
Paul K. Mancini
AT&T Inc.
1120 20th Street, NW
Washington, DC 20036

John Heitman
J. Isaac Himowitz
Kelley Drye & Warran LLP
3050 K Street, NW
Suite 400
Washington, DC 20007

Sandra J. Paske
Secretary to the Commission
Public Service Commission of Wisconsin
P.O. Box 7854
Madison, WI 53707-7854

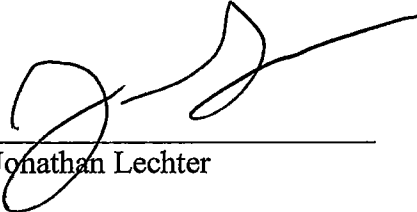
Edward Shakin
Christopher M. Miller
Verizon
1515 North Courthouse Road
Suite 500
Arlington, VA 22201-2909

Ronald K. Chen
Seema M. Singh
Christopher J. White
State of NJ Dept. of the Public Advocate
Division of Rate Counsel
31 Clinton Street, 11th Floor
Newark, NJ 07101

Bennet L. Ross
Bredan T. Carr
Marjorie B. Manne
Wiley Rein LLP
1776 K Street, NW
Washington, DC 20006

Cindy B. Miller, Senior Attorney
State of Florida Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0880

Susan M. Gately
Economics and Technology, Inc.
Ad Hoc Telecom User Committee
Two Center Plaza, Suite 400
Boston, MA 02108-1906



Jonathan Lechter